

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH E. BERRY,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. C10-5078BHS

REPORT AND RECOMMENDATION

NOTED February 18, 2011

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

Plaintiff has filed a motion for "injunctive and declaratory damages" (ECF No. 35). The plaintiff does not request any specific form of injunctive relief. Plaintiff states he is entitled to damages. This is not a proper motion. The motion should be denied because it does not state a legal basis for relief and does not comply with the Federal Rules of Civil Procedure.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.

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1 See 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is  
2 directed to set the matter for consideration on February 18, 2011, as noted in the caption.

3 Dated this 26<sup>th</sup> day of January, 2011.

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6 J. Richard Creatura  
7 United States Magistrate Judge  
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